

**AFFIDAVIT
of
SEAN McDERMOTT
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION**

I, Sean McDermott, being first duly sworn, do depose and state that:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), and am assigned to the Jefferson City, Missouri office. I have been an SA with the FBI for approximately nineteen (19) years. In the course of my career, I have participated in numerous investigations concerning violations of Title 18, United States Code (U.S.C.). I am currently assigned to criminal investigations involving child exploitation and child pornography. I have gained expertise in the conduct of such investigations through training in seminars and everyday work related to these types of investigations.

2. I am investigating violations of Title 18, U.S.C., Sections 2251, 2252 and 2422(b), certain activities relating to material involving the sexual exploitation of minors, in the Western District of Missouri. I make this affidavit in support of an application for a search warrant for information contained in or associated within the Snapchat¹ accounts associated with the usernames **anth1763**, **gunclub21**, and **gunsmith2111**, stored, maintained, controlled, or operated by Snap Inc. (Snap), headquartered at 2772 Donald Douglas Loop North, Santa Monica, California.

3. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Snap to disclose to the government records and other information in its possession pertaining to the subscriber or customer associated with the accounts, including the contents of communications.

¹ Snapchat is a mobile application that provides users a way to share moments with photos, videos, chats and event location/information. Additional information about the Snapchat application is presented below.

4. Title 18, U.S.C., Section 2256 defines “minor” as “any person under the age of eighteen years.” Section 2256 also defines “sexually explicit conduct” as including: (a) genital-genital, oral-genital, anal-genital, and oral-anal sexual intercourse, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the anus, genitals or pubic area of any person.

5. This affidavit is based upon information I have gained from my investigation, my training and experience, as well as information obtained from conversations with other law enforcement officers. Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that evidence of violations of Title 18, U.S.C., Sections 2251, 2252 and 2422(b), are located within the Snapchat accounts associated with the usernames **anth1763**, **gunclub21**, and **gunsmith2111**. Based upon the following information, there is probable cause to believe that currently located within these accounts is electronically stored information that constitutes evidence, fruits and instrumentalities of knowingly transferring visual depictions of minors engaged in sexually explicit conduct, in violation of Title 18, U.S.C., Sections 2251 and 2252, and of the enticement of a minors in violation of Title 18, U.S.C., Section 2422(b).

6. On March 30, 2023, a FBI Task Force Officer (TFO) was acting in an online undercover (UC) capacity as part of the FBI Child Exploitation and Human Trafficking Task Force (CEHTTF) operating out of a satellite office in Washington, D.C. The UC was monitoring a public Kik² group known by the UC to include members actively involved in the distribution, possession, receipt and at times production of child exploitation material (CSAM).

²Kik is an instant messaging mobile application where one can transmit and receive messages, photos, and videos. Users can communicate privately with other users or in groups.

7. On March 30 2023, the UC observed Kik user MPHELPS12 had joined the group. The UC messaged MPHELPS12, “What’s up mike, asl³ and you can verify with me.” MPHELPS12 replied, “Hey 30 m usa” and then forwarded a photograph of an adult male wearing an orange shirt seated next to prepubescent female holding a cup with a pink lid watching what appears to be a purple in color tablet. MPHELPS12 advised the child was “3,” and they resided in Missouri. The UC asked MPHELPS12, “You play with yours?” and MPHELPS12 responded, “Some in bath time.” MPHELPS12 wrote he had been playing with the child for approximately a year.

8. On April 12, 2023, the UC observed MPHELPS12 active within the same group. The UC messaged MPHELPS12, “How’s your cutie doing?” MPHELPS12 sent the UC a photograph of what appears to be the same prepubescent female child wearing an orange shirt asleep on a blanket.

9. The UC and MPHELPS12 discussed the current state of groups on Kik, and the UC asked, “You have any fun recently with yours?” MPHELPS12 replied, “Ya she was stroking me yesterday.” The UC messaged back, “Mmmmm nice, did she do a good job?” and MPHELPS12 reported, “Eh good enough.”

10. On April 17, 2023, MPHELPS12 sent the UC a video of what appears to be a juvenile female having her mouth penetrated by an adult male’s erect penis. The UC subsequently messaged MPHELPS12, “Have you taken pics / vids of yours before? I love sharing with legit parents.” MPHELPS12 replied, “Not really”, and then sent a photograph to the UC of a prepubescent female from the stomach down wearing a primarily pink shirt. The child’s underwear is pulled to the side by a finger, and her genitals are exposed to the camera.

³ asl is chat room shorthand for age, sex and location.

11. An administrative subpoena request was served on Kik requesting subscriber information associated with username MPHELPS12. Information provided by Kik revealed this account was commonly accessed from IP address of 209.207.9.156, including on March 29, 2023 at 23:19:10 UTC.

12. Investigation identified IP address 209.207.9.156 was hosted by SuddenLink Communications. SuddenLink Communications reported IP address 209.207.9.95 was assigned to Anthony Pitts Fugate, 8808 High Street, Lohman, Missouri, telephone number 573-619-1575, between December 4, 2022 and April 26, 2023.

13. A Missouri driver's license photograph of Anthony Pitts-Fugate showed he was consistent in appearance to the photograph of the adult male wearing an orange shirt that MPHELPS12 sent to the UC on March 30, 2023.

14. On April 17, 2023, a black Dodge Ram pickup and a silver Chrysler minivan, both displaying Missouri license plates, were observed parked in the driveway at 8808 High Street, Lohman, Missouri. The license plate displayed on the Dodge Ram pickup was registered to Anthony D. Pitts-Fugate, and the license plate displayed on the Chrysler minivan was registered to Anthony Pitts Fugate and N.C.

15. On April 18, 2023, the FBI executed a search warrant issued by United States District Court in the Western District of Missouri (Case Number 23-SW-03025-WJE) at 8808 High Street, Lohman, Missouri. Evidence seized from this search warrant included a primarily pink shirt, and child's underwear; both consistent in appearance with the clothing worn by the child in the sexually explicit photograph MPHELPS12 sent to the UC April 17, 2023. Furthermore, kitchen chairs at this residence were covered with a fabric consistent in color and pattern with the location where the child was seated in this photograph.

16. Anthony Pitts-Fugate was arrested by FBI SAs outside of his residence, 8808 High Street, Lohman, Missouri on April 18, 2023 pursuant to an arrest warrant issued by the United States District Court in the Western District of Missouri (Case Number 23-mj-03006-WJE). N.C. lived with Anthony Pitts-Fugate and their children at this address, and continued to reside there following his arrest. On April 27, 2023, N.C. found a black Samsung Galaxy SM-G965U cellular telephone in the recesses of a lazy susan cabinet in the kitchen at 8808 High Street, Lohman, Missouri. The kitchen at 8808 High Street, Lohman, Missouri, was a common area with unrestricted access. N.C. voluntarily surrendered this black Samsung Galaxy SM-G965U cellular telephone to the FBI.

17. A search warrant was issued by United States District Court in the Western District of Missouri (Case Number 23-SW-03034-WJE) to forensically examine this black Samsung Galaxy SM-G965U cellular telephone. On May 4, 2023, SA McDermott examined this device with the assistance and supervision of a Digital Forensic Examiner at the Heart of America Regional Computer Forensics Laboratory in Kansas City, Missouri. Applications on the device included Kik and Snapchat. The device's photo gallery included folders for Kik and Snapchat.

18. Content within the black Samsung Galaxy SM-G965U cellular telephone included multiple photos and videos of apparent child pornography, including the aforementioned photograph Kik user MPHELPS12 sent to the UC on April 17, 2023 depicting a prepubescent female's underwear pulled to the side by a finger, exposing her genitals to the camera. The device contained multiple photographs containing "Snapchat" in the file name depicting females of indeterminate age exposing their breasts and/or genitals. The device contained multiple videos containing "Snapchat" in the file name depicting females engaged in sexually explicit conduct.

19. On April 18, 2023, an 18-year-old female (FV1) informed a Cole County Sheriff's Department (CCSD) deputy that she was raped by Anthony Pitts-Fugate when she was 16 years

old. FV1 reported Anthony Pitts-Fugate had contacted her on Snapchat in February of 2021. FV1 reported she sent sexually explicit photographs of herself to Anthony Pitts-Fugate through Snapchat. FV1 reported Anthony Pitts-Fugate sent her photographs of other underage girls. FV1 reported Anthony Pitts-Fugate's currently utilized username **gunsmith2111** and display name Anthony Anthony on Snapchat.

20. Snapchat reported **gunsmith2111**, display name Anthony Anthony, was created November 23, 2022 from IP address 67.234.189.82. The account was associated with verified email address apittsfugate@gmail.com. The account was last active on April 18, 2023.

21. Centurylink reported IP address 67.234.189.82 was assigned to N.C., 8808 High Street, Lohman, Missouri, from October 26, 2022 through May 9, 2023.

22. CCSD received information Anthony Pitts-Fugate had engaged in sexual relations with another minor female (FV2). In interviews on April 23 and 25, 2023, FV2 reported she performed oral sex on Anthony Pitts-Fugate in summer 2022 when she was 16 years old. FV2 estimated she began communicating with Anthony Pitts-Fugate over a year before these interviews. FV2 reported Snapchat was the only social media platform she used to communicate with Anthony Pitts-Fugate. FV2 reported she sent Anthony Pitts-Fugate nude photographs of herself when she was 16 years old, and that he had sent her photos where he was not wearing clothes. FV2 reported she sent Anthony Pitts-Fugate a video of her engaging in sexually explicit conduct. FV2 reported Anthony Pitts-Fugate utilized username **gunclub21** and display name Midmo on Snapchat.

23. Snapchat reported **gunclub21** was created October 14, 2021. The account was logged into on April 11, 2023 through IP address 209.207.9.156. On this day, the account's display name was changed from Midmo to Mike. The account was last active on April 18, 2023.

24. FV2 reported she was introduced to Anthony Pitts-Fugate by a male of similar age to herself named Anthony Adams. FV2 reported she talked to Anthony Adams over Snapchat, and never met him in person. FV2 reported the display name on Anthony Adams' Snapchat account was Anthony Adams.

25. Investigation suggested "Anthony Adams" was a fictitious younger persona created by Anthony Pitts-Fugate, which he used to deceive teenaged females into communicating with him. Investigation identified Snapchat account **anth1763** with display name Anthony Adams. Snapchat reported **anth1763** was created May 23, 2020. The original telephone number associated with the account was 573-619-1575. The account was logged into on April 18, 2023 through IP address 209.207.9.156.

26. As previously stated, SuddenLink Communications identified the subscriber of IP address 209.207.9.156 in April 2023 was Anthony Pitts Fugate, telephone number 573-619-1575.

27. On or about April 25, 2023, a Cole County Sheriff's Department detective served a preservation request to Snap for subscriber information and all records associated with Snapchat usernames **gunclub21** and **gunsmith2111**. On May 10, 2023, the FBI served a preservation request to Snap for subscriber information and all records associated with Snapchat username **anth1763**.

Jurisdiction and Authority to Issue Warrant

28. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A), & (c)(1)(A). Specifically, the Court is "a district court of the United States . . . that has jurisdiction over the offense being investigated." 18 U.S.C. § 2711(3)(A)(i).

Background Concerning Messaging

Applications Generally and Snapchat Specifically

29. Instagram, Twitter, Facebook, Snapchat and text messaging are common tools used by mobile devices with access to the Internet, such as smart phones or tablets. Users of Instagram, Twitter, Snapchat and Facebook must register a password protected account which they can access with a smartphone data plan or Wi-Fi Internet access to send and receive messages, photographs, videos, sketches, mobile webpages and other content. Oftentimes, with a smartphone that has a data plan with a wireless provider, users of these social media platforms can use text messages services included in their phone plan to send and receive messages, photographs, videos, sketches, mobile webpages and other content, just as happens through social media accounts.

30. The social media accounts are often used as a platform to maintain an online social media profile which can be viewed by “friends” or “followers” and they can use their online profile to share photographs and videos or engage in chat sessions, meet other people, among other things. While posting status updates, comments or likes on their profile, social media users can allow others to view their profiles or keep them private. Since social media accounts can contain location data and are commonly viewed by peers, more personal communication can occur with direct messaging through the social media application or through text messages.

31. The Snap Inc. Law Enforcement Guide published by Snap, last updated November 1, 2022, states that Snapchat is a visual messaging application made by Snap and available through the iPhone App Store and Google Play Store. The guide lists some of the information that is or may be available by way of valid legal process served on Snap. This information includes, but is not limited to:

a. **Basic Subscriber Information:** Basic subscriber information is collected when a user creates a new Snapchat account or alters information at a later date, among other interactions with the Snapchat app. Basic subscriber information consists of the categories of information listed at 18 U.S.C. § 2703(c)(2), which for Snap may include:

- Current and previous Snapchat usernames
- Current and previous email addresses associated with the account, and whether verified by user
- Current and previous phone numbers associated with the account, and whether verified by user
- Current and previous Snapchat display names
- Snapchat account creation date and IP address
- Timestamp and IP address of Snapchat account logins, logouts, failed login attempts, and authentication events
- Certain information about the user's use of Snapchat services and account settings;

b. **IP Logs:** IP logs associated with Snapchat account logins, logouts, failed login attempts and authentication events are retained for a limited period of time both while an account is active and after deletion of a Snapchat account;

c. **Communications Metadata:** Logs may be available containing metadata about a user's communications;

d. **Location Data:** Location data may be available for a Snapchatter who has enabled location services on their device and opted into location services in the Snapchat app settings; and

e. **Content:** Snap's servers are designed to automatically delete most user content by default, such as the content of communications, after a limited period of time, unless it is otherwise saved by a Snapchatter. An exception is the content contained within Memories which, when saved, may be available until deleted by a user. Content saved to the My Eyes Only section of Memories is encrypted, and cannot be decrypted by Snapchat.

32. The Law Enforcement Guide defines the Snapchat features as follows:

a. **Snap:** Snaps are photos or videos taken using the Snapchat app's camera on an individual's mobile device. Snaps may be shared either directly in a Chat with one or a group of the user's friends, or shared in a Story. Snapchatters can save a Snap message by pressing and holding it to save while viewing or directly after viewing a Snap. After saving a Snap, the Snap will appear in the conversation as Chat Media. Snap's servers are designed to automatically delete a Snap after it has been viewed by all intended recipients. Snap's servers are designed to automatically delete a shared Snap sent after it has been opened by all recipients;

b. **Stories:** A user can add Snaps, Memories, or images and video from their device camera roll to their "Story." In general, users can manage their privacy settings so that their Story may be able to be viewed by all Snapchatters, their friends, or a custom audience. Users can also elect to create other types of Stories, or to submit content to the Snap Map or Spotlight. Snap's servers are currently designed to automatically delete the content in a user's Story, by default, 24 hours after it is shared on Snapchat, but the user may delete part or all of the Story earlier or they may, in certain instances, change their settings to have the Story visible longer. Submissions to the Snap Map and Spotlight may be saved for longer periods;

c. **Memories:** Memories is Snapchat's cloud-storage service. Users can save their sent or unsent Snaps, posted Stories, and photos and videos from their device's camera roll in Memories. Content saved in Memories is backed up by Snap and may remain in Memories until deleted by the user. Users may choose to encrypt their content in Memories by saving it in "My Eyes Only," in which case the content is not accessible to Snap and cannot be decrypted by Snap;

d. **Chat:** A user can send text and send Snaps in Chat. A user may also send Memories, media uploaded from their device's camera roll, or audio notes (collectively "Chat Media") to friends within the Snapchat app using the Chat feature. Users can Chat one-on-one or in groups; and

e. **Location Data:** If a user has device-level location services turned on and has opted into location services on Snapchat, Snap will collect location data from the device at various points during the user's use of Snapchat. Retention periods for location data may vary depending on the purpose of the collection. Users have some control over the deletion of their location data in the app settings.

33. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Snapchat to disclose to the Government copies of the records and other information (including the content of communications) more particularly described in Section I of Attachment A. Upon receipt of the information described in Section I of Attachment A, Government-authorized persons will review that information to locate the items described in Section II of Attachment A.

Conclusion

34. Based upon the foregoing, I assert that probable cause exists that within the Snapchat accounts associated with the usernames **anth1763**, **gunclub21**, and **gunsmith2111** is electronically stored information that constitutes evidence, fruits and instrumentalities of knowingly transferring visual depictions of minors engaged in sexually explicit conduct, in violation of Title 18, U.S.C., Sections 2251 and 2252, and of the enticement of a minors in violation of Title 18, U.S.C., Section 2422(b).

35. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. The government will execute this warrant by serving it through Snap's Law Enforcement Service Site. Because the warrant will be served online, where Snap will then compile the requested records at a time convenient to it, there exists reasonable cause to permit the execution of the requested warrant at any time in the day or night.

36. The facts set forth in this affidavit are true and correct to the best of my knowledge and belief.

Further, Affiant sayeth not.



Sean McDermott, Special Agent
Federal Bureau of Investigation

Attested to in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone or other reliable electronic means on this the 12th day of July, 2023.



Willie J. Epps, Jr.
United States Magistrate Judge